

## **FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET**

**Meeting Date:** July 13, 2016

**Agenda Item:** Harrison Lake Fishing Access Site Property Donation (R3)

**Division:** Fisheries

**Action Needed:** Endorsement

**Time Needed on Agenda for this Presentation:** 10 Min

◆-----◆

### **Background:**

The Willow Creek Project is owned and administered by the Montana Department of Natural Resources and Conservation (DNRC) through its State Water Projects Bureau. The Willow Creek Water Users Association (WCWUA) operates the Project under a water marketing contract with DNRC. At the request of the Water Users Association, SB 221 was introduced and passed during the 2015 Legislative Session requiring DNRC to attempt to dispose of the Willow Creek Project lands by June 30, 2015. The WCWUA has expressed their interest in acquiring the property. FWP owns land adjacent to the Willow Creek Project land and manages it as the Harrison Lake FAS. When FWP acquired the FAS in 1961, unknown to FWP a discrepancy in the original survey left a small gap between FWP's property and the shoreline. FWP subsequently constructed a portion of the access road, camping area and boat ramp on land owned by DNRC that will be included in the proposed land transfer. In order to ensure continued public access to the lake, DNRC is proposing to transfer a key piece of property to FWP (220 acres) at no cost before the balance of the land is acquired by the WCWUA. Many details have still yet to be worked out regarding details of the land transfer, but of particular concern to FWP is that a short section of the access road is in private ownership. This was recently also revealed during DNRC's survey, and even though it has always been this way, FWP is working to acquire a permanent easement from the landowner.

### **Public Involvement Process & Results:**

An EA was prepared by DNRC with the public comment period extending from February 8 through March 8, 2016. Public comments were evaluated and a Decision Notice was released by DNRC on May 16, 2016. The EA evaluated three alternatives: Alternative A – No Action; Alternative B -- No Fee Transfer to Irrigation District (Preferred Alternative); and Alternative C – No Fee Transfer to Association. Ultimately Alternative C was selected, which contains the provision for transferring the property to FWP.

### **Alternatives and Analysis:**

FWP can either accept or refuse the donation of property by DNRC. If refused, the only way FWP could continue to provide water access at the site would be to enter into some type of easement or lease with the WCWUA. The details and costs of such an arrangement are unknown. If accepted, access will be guaranteed in perpetuity, and at most water elevations, since the donated land extends from the FAS out toward the middle of the reservoir.

### **Agency Recommendation & Rationale:**

FWP recommends that the Commission endorse the Department's efforts to acquire the property from DNRC to ensure continued public access at the Harrison Lake FAS.

### **Proposed Motion:**

"I move that the Commission authorize the Department to work with DNRC to accept the donation of property at the Harrison Lake FAS".